

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA            )  
  )  
                          v.                    )     1:20CR53-1  
  )  
MICHAEL DANIEL THALLER            )

**PRELIMINARY ORDER OF FORFEITURE**

WHEREAS, on February 24, 2020, the defendant, MICHAEL DANIEL THALLER, was charged in an Information in case number 1:20CR53-1, with a violation of Title 21, United States Code, Section 843(b), use of a communication facility in the commission of a felony.

AND WHEREAS, the United States Attorney included in the Information a forfeiture allegation, pursuant to Title 18, United States Code, Sections 853;

AND WHEREAS, on February 25, 2020, the defendant pled guilty to Counts One and consented to the forfeiture of the items described in paragraph 2 therein, and the Court accepted the plea;

AND WHEREAS, the Court finds that the defendant's interest in and to the property described in paragraph 2.a. through d. of the forfeiture allegation in the Information and in the Plea Agreement, is subject to forfeiture, and that the requisite nexus exists between the properties to be forfeited and the offenses to which the defendant has pled guilty.

Accordingly, it is hereby ORDERED, ADJUDGED AND DECREED:

1. As a result of the guilty plea to Count One of the Information, for which the Government sought forfeiture pursuant to Title 21, United States Code, Section 853 and based on the Plea Agreement, and other matters of record in this case, defendant shall forfeit to the United States the following items of property:

a. 386 Fox Street, SW, Concord, North Carolina, 28025

All right, title, and interest in and to that certain tract or parcel of land known as 386 Fox Street, SW, Concord, North Carolina, 28025, in the City of Concord, No. 12 Township, Cabarrus County, North Carolina, with all appurtenances and improvements thereon, owned by MICHAEL DANIEL THALLER pursuant to a deed recorded at Book 11808, Page 339 of the Cabarrus County Registry, and more particularly described as follows:

LYING and being in Ward No. 4 of the City of Concord, on the West side of Fox Street, and being Lot No. 19 as shown on a plat of the First Division of the property of Cline Investment Co. of Concord, recorded in Map Book 16, page 38 in the Office of the Register of Deeds for Cabarrus County and being more particularly described as follows:

BEGINNING at a stake, front corner of Lots Nos. 18 and 19 in the West edge of Fox Street, and runs thence with the line of Lot No. 18, NB. 80-04 W. 115.57 feet to a stake, rear corner of Lots Nos. 18 and 19 in the line of Lot No. 2; thence with the line of Nos. 2 and 1, S. 08-00 W. 50 feet to a stake, rear corner of Lots Nos. 19 and 20 in the line of Lot No. 1; thence with the line of Lot No. 20, S. 80-04 E. 115.57 feet to a stake, front corner of Lots Nos. 19 and 20 in the West edge of Fox Street; thence with the West edge of Fox Street, No. 08-00 E. 50 feet to the point of BEGINNING.

b. 531 Allison Street, Concord, North Carolina, 28025

All right, title, and interest in and to that certain tract or parcel of land known as 531 Allison Street, Concord, North Carolina, 28025, in the City of Concord, No. 12 Township, Cabarrus County, North Carolina, with all appurtenances and improvements thereon, owned by MICHAEL DANIEL THALLER pursuant to a deed recorded at Book 11564, Page 160 of the Cabarrus County Registry, and more particularly described as follows:

LYING and being in Ward No. 5 of the City of Concord, Cabarrus County, North Carolina on the West side of Allison Street, adjoining the property of Franklin J. Bratton, Wadsworth Addition, and Allie K. Currin and is more particularly described as follows:

BEGINNING at an iron stake on the western edge of Allison Street, corner of Frank J. Bratton (said stake being N. 17-30 W. 119 feet from the northwestern corner of the intersection of Allison Street and Cannon Avenue), and runs thence with Bratton's line S. 71-56 W. 121.91 feet to an iron stake in the line of Wadsworth Addition; thence with Wadsworth's Addition's line N. 15-29 W. 63.1 feet to an iron stake, Allie K. Currin corner; thence with his line N. 71-57 E. 119.7 feet to an iron stake on the western edge of Allison Street; thence with the western edge of Allison Street S. 17-30 E. 63 feet to the point and place of BEGINNING, according to a survey by Walter L. Furr, Jr., dated December 2, 1988.

c. 264 Lincoln Street, SW, Concord, North Carolina, 28025

All right, title, and interest in and to that certain tract or parcel of land known as 264 Lincoln Street, SW, Concord, North Carolina, 28025, in the City of Concord, No. 12 Township, Cabarrus County, North Carolina, with all appurtenances and improvements thereon, owned of record by Sabine Thaller, as nominee for MICHAEL

DANIEL THALLER, pursuant to a deed recorded at Book 12348, Page 148 of the Cabarrus County Registry, and more particularly described as follows:

LYING and being in Ward No. 4 of the City of Concord, and being Lot No. 69 of COLESBURG as surveyed and platted by Q.E. Smith, a copy of which is on file in the Office of the Register of Deeds for Cabarrus County, North Carolina in Map Book No. 1, page 18 and described as follows:

BEGINNING at a stake on the west side of Lincoln Street, a corner of Lot No. 70, and running thence with the line of Lot No. 76, N. 82  $\frac{3}{4}$  W. 259 feet to an iron stake on the Mahan line, a corner of Lot No. 70; thence with the Mahan line, N. 1  $\frac{1}{2}$  E. 50.2 feet to a stake, a corner of Lot No. 68; thence with the line of Lot No. 68, S. 83  $\frac{3}{4}$  W. 263  $\frac{1}{2}$  feet to a stake, a corner of Lot No. 68 on the West side of Lincoln Street; thence with Lincoln Street, S. 3  $\frac{1}{2}$  W. 50 feet to the BEGINNING

LESS AND EXCEPTING from the above parcel, the property conveyed to Grant G. Gamble and wife Mary Gamble to James V. Alexander and wife, Virginia Brown Alexander by deed dated September 14, 1954 and recorded in Book 257, page 188, Cabarrus County Registry.

d. 183 Mahan Street, SW, Concord, North Carolina, 28025

All right, title, and interest in and to that certain tract or parcel of land known as 183 Mahan Street, SW, Concord, North Carolina, 28025, in the City of Concord, No. 12 Township, Cabarrus County, North Carolina, with all appurtenances and improvements thereon, owned of record by Sabine Thaller, nominee for MICHAEL DANIEL THALLER, pursuant to a deed recorded at Book 12348, Page 152 of the Cabarrus County Registry, and more particularly described as follows:

LYING and being in Ward No. 4 of the City of Concord, NC, on the East side of Mahan Street, adjoining the property of Archibald and Coleman, and described as follows:

BEGINNING at an iron stake in the east edge of Mahan Street (said iron stake being 60 feet from the Southwest corner of the Wilson Bost Lot on the East side of Mahan Street) and running thence with Mahan Street S. 1 W. 60 feet to an iron stake, Archibald's corner; thence with Archibald's line N. 85-45 E. 100 feet to an iron stake in Coleman's line; thence with Coleman's line N. 1 E. 60 feet to an iron stake; thence S. 85-45 W. 100 feet to the BEGINNING and is the property conveyed by Trustees of Christian Disciple Church of Concord, N.C. to Moses Parks by deed dated May 15, 1952 and recorded in Record of Deeds No. 242, Page 101.

Being the same property conveyed by deed dated October 27, 1956 from Moses Parks to Chinnetter M. Means as recorded in Book 274, Page 229 of the Cabarrus County Register of Deeds Office.

The purpose of this deed is to transfer the interest of Bertha Price in said property as tenant in common with Chinnetter M. Means as Grantee to have and hold in fee simple absolute to the exclusion of the Grantor, Bertha Price.

2. Upon entry of this Order, the United States Attorney General (or a designee) is authorized to conduct any discovery proper in identifying, locating or disposing of the property subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

3. Upon entry of this Order, the United States Attorney General (or a designee) is authorized to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order.

4. The United States shall publish notice of the order and its intent to dispose of the property in such a manner as the United States Attorney General (or a designee) may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the subject property.

5. Pursuant to Fed. R. Crim. P. 32.2(b)(4), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

7. The Clerk of the Court shall forward two (2) certified copies of this order to Assistant U.S. Attorney Lynne P. Klauer, U.S. Attorney's Office, Middle District of North Carolina.

This the 5th day of June, 2020.

/s/ N. Carlton Tilley, Jr.  
Senior United States District Judge